

REMARKS/ARGUMENTS

In the October 11, 2006, Office Action, Claims 2 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 2 and 12 have been amended to clarify the claim language with regard to the arms of the mounting bracket.

Claims 1, 2, 13, 17 and 18 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over Claim 6 of copending patent application No. 11/212,070. Applicant hereby submits a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the double patenting rejection of Claims 1, 2, 13, 17 and 18. The conflicting patent application, serial number 11/212,070, and the present application, serial number 10/728,365, are both owned by Burton Technologies LLC. In view of the filing of the Terminal Disclaimer and the common ownership of the cited patent application and the present application, the withdrawal of the obviousness-type double patenting rejection of Claims 1, 2, 13, 17 and 18 is respectfully requested.

In addition, Claims 1, 3, 12-14 and 18-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Caminetti (U.S. Patent No. 1,712,690). Hunt is cited for disclosing a vehicle spotlight including a reflector, lens and bulb. As discussed in more detail below, in light of the amendments presented herein, clarifying the positioning of the mounting bracket and adjuster, Independent Claims 1, 13 and 18 and all claims depending therefrom are not obvious in light of Caminetti alone or in combination with Hunt.

Caminetti discloses a vehicle spotlight intended to be mounted between the headlights of a vehicle and secured to a radiator cap (FIG. 4). As illustrated in FIG. 1 of Caminetti,

reproduced below for reference, the spotlight device is secured to the vehicle using a mounting bracket (8), and additional braces (12), wherein the remaining portions of the spotlight device are configured to rotate, pivot and/or move to provide the device with both horizontal and vertical adjustment capabilities. The mounting bracket, yoke (28), flange (32) and ring (31), extends from the sleeve (23) and pivots therewith when horizontal adjustment is required. See Caminetti, Page 2, lines 65-66 and page 3, lines 90-105. It is noted that the mounting bracket (28, 32, and 31) is not stationarily secured to the bracket (8) and rotates with respect thereto.

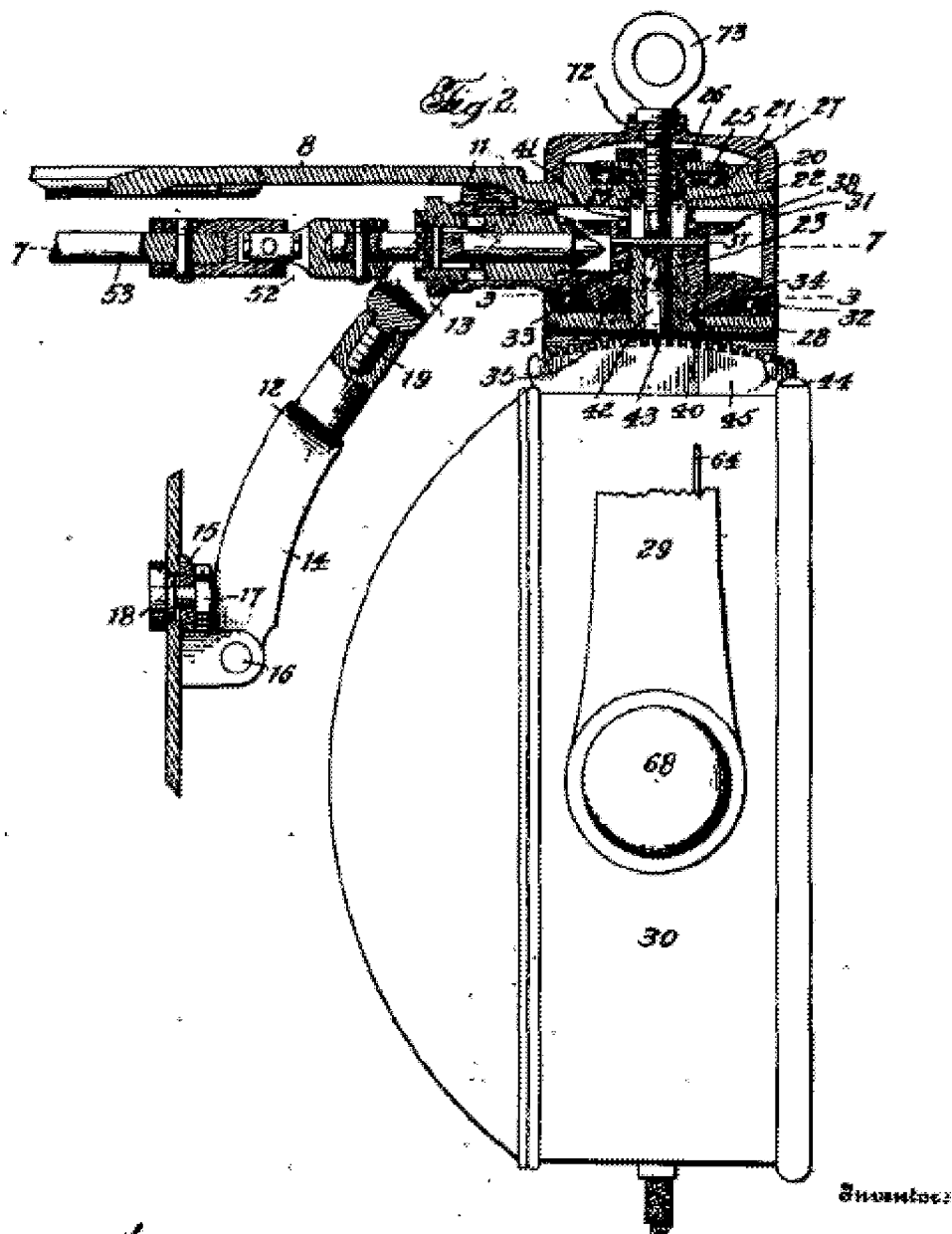
Accordingly, as illustrated in FIG. 1 above, and unlike as recited in Claims 1, 13 and 18, the mounting bracket of Caminetti does not include a rear surface that is configured to stationarily mount to a vehicle. Further, the arms (29) of Caminetti extend downwardly, not frontwardly or forwardly, from the mounting bracket/yolk (28) and they do not extend in a direction opposite that of the rear surface of the mounting bracket. Indeed, the arms (29) of Caminetti pivot along with the mounting bracket (28, 32, 31) when the spotlight is adjusted; and therefore also not considered to be “stationary.”

In addition, Caminetti teaches an adjuster (72, 73, 39, 42, 43) that passes through the top of the mounting bracket (28, 32, 31), extending through to the bottom of the mounting bracket to directly engage the spotlight at portion (45). There is no portion of the adjuster that is mounted to the rear surface of the mounting bracket. As such, Caminetti does not teach or suggest each and every element of Claims 1, 13 and 18.

Hunt is cited for disclosing a vehicle spotlight including a reflector, lens and bulb. However, there is no motivation, suggestion or teaching in Caminetti that would lead one skilled

in the art to substitute the Caminetti spotlight with the Hunt headlight to achieve the present invention. Indeed, Caminetti teaches a spotlight installed on a vehicle *in addition to* and not in place of the headlights of a vehicle to solve a very particular problem associated with vehicles of the Caminetti era. There is simply no motivation or teaching in Caminetti to provide a headlight construction, having a mounting bracket stationarily secured to a vehicle in the manner taught by the present invention.

In addition, in order to mount the Hunt headlight, having external casing 11, to the Caminetti device in order to achieve the present invention, significant structural changes in the Caminetti device are required. Specifically, such modification would require permanently affixing the mounting bracket to the vehicle and complete redesign and repositioning of the adjuster, both of which would render Caminetti unsuitable for its intended purpose and wholly inoperable.



Accordingly, the device disclosed in Caminetti, even if modified to include a reflector, lens and bulb, as suggested by the Examiner, is not configured or assembled according to the language of claims 1, 13 and 18 which are therefore, not unpatentable in light of Caminetti and/or Hunt.

CONCLUSION

Applicant believes that this application is now in condition for allowance and respectfully requests that the rejections under 35 U.S.C. § 103 be withdrawn. In view of the amendments and arguments presented herein, Applicant respectfully requests re-consideration of the pending claims and issuance of a notice of allowance. Applicant encourages the Examiner to telephone of the undersigned attorney for Applicant in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Commissioner is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

ASYST TECHNOLOGIES

Dated: February 13, 2007

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